

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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RAMON HERNANDEZ, :  
Plaintiff, :  
: 21 Civ. 2397 (LGS)  
-against- :  
: ORDER  
CITY OF NEW YORK et al., :  
Defendants, :  
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LORNA G. SCHOFIELD, District Judge:

WHEREAS, on March 18, 2021, Plaintiff's case was removed to this Court;

WHEREAS, on July 13, 2021, Defendant served its motion to dismiss to Plaintiff without filing the motion on the docket pursuant to the "bundling rule," which is not a general rule of the court and is inapplicable here;

WHEREAS, Plaintiff's deadline to file his response to the motion to dismiss was August 3, 2021;

WHEREAS, Plaintiff's deadline to file his response to the motion to dismiss was twice extended to September 7, 2021 (Dkt No. 25, 28);

WHEREAS, on September 8, 2021, Plaintiff filed a First Amended Complaint in response to Defendant's motion to dismiss (Dkt. No. 29);

WHEREAS, "if the pleading is one to which a responsive pleading is required," a party may amend its pleading once as a matter of course within "21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier." Fed. R. Civ. P. 15(a)(1)(B).

WHEREAS, Plaintiff properly sought and was granted extensions to respond to Defendant's motion to dismiss;

WHEREAS, Defendant moved to strike Plaintiff's First Amended Complaint (Dkt. No. 30). It is hereby

**ORDERED** that the First Amended Complaint is received in the record *nunc pro tunc* as timely filed, and Defendant's motion to strike is DENIED. It is further

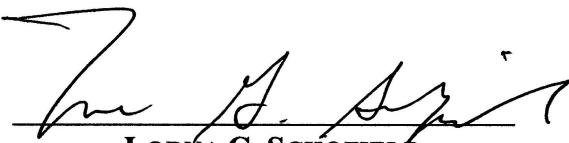
**ORDERED** that Defendant's motion to dismiss the original Complaint is DENIED as moot. It is further

**ORDERED** that Defendant shall *file* an answer, motion or other response to the First Amended Complaint by September 27, 2021.

The Clerk of Court is respectfully directed to close the motion at Dkt. No. 30.

Dated: September 13, 2020

New York, New York



LORNA G. SCHOFIELD  
UNITED STATES DISTRICT JUDGE